



MEMO ENDORSED

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January 31, 2014

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Via E-Mail (sullivannsdchambers@nysd.uscourts.gov)

The Honorable Richard J. Sullivan
United States District Court
Southern District of New York
40 Foley Square, Courtroom 905
New York, New York 10007

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Re: Princeton Digital Image Corporation v. Hewlett-Packard Co., et al., Case No. 12 Civ. 0779 (RJS)

Dear Judge Sullivan:

Plaintiff Princeton Digital Image Corporation (“PDIC”) and defendants Hewlett-Packard Company and FUJIFILM North America Corporation jointly submit this letter to seek permission to conduct the deposition of non-party witness Peter Emanuel on February 11, 2014, three business days after the February 6, 2014 deadline to complete fact discovery. PDIC’s counsel, which also represent Mr. Emanuel, agreed to accepted service of defendants’ subpoena on December 3, 2013. On January 15, 2014, Defendants served PDIC with Mr. Emanuel’s subpoena and PDIC requested a postponement of the deposition date set in the subpoena (January 29, 2014) to accommodate Mr. Emanuel’s already scheduled travel plans and other personal commitments on January 22, 2014. Defendants are willing to accommodate a deposition on February 11, which is the earliest date that Mr. Emanuel is available after service of Defendants’ subpoena, as a courtesy to Mr. Emanuel as a third party witness.

The parties have agreed that the fact of Mr. Emanuel’s deposition occurring after February 6, subject to the Court’s approval, will not be used by any party as an excuse to delay or seek an extension of any other deadlines in the case (discovery or otherwise), besides the February 6 deadline for the limited purpose of deposing Mr. Emanuel. Plaintiff previously sought a six-month extension of the fact discovery deadline, which the Court granted by extending the fact discovery period by one month. *See* Revised Case Management Plan and Scheduling Order (Dkt. 353). The parties do not anticipate the scheduling of Mr. Emanuel’s deposition to impact any other scheduled dates pursuant to the Court’s November 14, 2013 Revised Case Management Plan and Scheduling Order (Dkt. 353). Accordingly, the parties



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respectfully ask the Court to allow the parties to hold the deposition of Mr. Emanuel on February 11, 2014.

Counsel is available should Your Honor have any questions.

Respectfully,

/s/ Diana M. Szego

Diana M. Szego

cc: Counsel of Record

SO ORDERED
Dated:

R. Sullivan
RICHARD J. SULLIVAN
U.S.D.J.

1/31/14